IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA		0.0000.470
	Plaintiff,) 8:08CR479)
	vs.) DETENTION ORDER
RC	DBERT MORIMOTO,	
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on December 23, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	conditions will reasonably assure the	because it finds: ence that no condition or combination of appearance of the defendant as required. at no condition or combination of conditions
C.	distribute methamphetam carries a minimum sent maximum of forty years i (b) The offense is a crime of (c) The offense involves a national content of the content	and includes the following: e offense charged: y to distribute and possess with intent to hine (Count I) in violation of 21 U.S.C. § 846 hence of five years imprisonment and a mprisonment. i violence.
	may affect wheth The defendant h X The defendant h X The defendant h The defendant is The defendant of ties. Past conduct of X The defendant h Court proceeding	appears to have a mental condition which her the defendant will appear. Has no family ties in the area. Has no steady employment. Has no substantial financial resources. Has not a long time resident of the community. Hoes not have any significant community the defendant: Has a history relating to drug abuse. Has a history relating to alcohol abuse. Has a prior record of failure to appear at

deportation.
The defendant is a legal alien and will be subject to deportation if convicted.
The Bureau of Immigration and Custom Enforcement

The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.

Other:

X (4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment and the defendant's drug abuse history.

X (5) Rebuttable Presumptions

In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted:

- X (a) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:
 - (1) A crime of violence; or
 - (2) An offense for which the maximum penalty is life imprisonment or death; or
 - X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or
 - (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
 - X (b) That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:
 - X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
 - (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

4. The defendant will be considered for a drug treatment program following a consideration of a drug treatment evaluation and an available space.

DATED: December 24, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge